



CITY OF FREDERICKSBURG

ZONING BOARD OF ADJUSTMENT THURSDAY, NOVEMBER 12, 2020 ~ 5:30 P.M.

Travis Neal, Member
Marcus Vidrine, Member
Donnie Finn, Chair
Ashley Hunter, Member

Cynthia Scroggins, Vice
Jim McAfee, Member
Devin Mullen, Member

The City of Fredericksburg Zoning Board of Adjustment will meet in a regular session on Thursday, November 12, 2020 at 5:30 P.M. This meeting will be held remotely via Zoom Teleconferencing, and in person at the Gillespie County Law Enforcement Center, 1601 E. Main St. Fredericksburg TX, 78624. Members of the public may attend the meeting in person or remotely by web or telephone via Zoom Teleconferencing (see details below). These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members of the public may join the Zoom Meeting by one of the following:

By web:

<https://us02web.zoom.us/j/84493253466>

By phone:

(888)788-0099 (Toll Free)

(877)853-5247 (Toll Free)

Meeting ID: 836 4257 9598

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MEETING MINUTES

A. August 2020 regular meeting minutes

B. October 2020 regular meeting minutes

4. PUBLIC COMMENTS

During the COVID-19 pandemic, the City of Fredericksburg is allowing public comments to be submitted remotely, **by 2:00 p.m. on NOVEMBER 12, 2020**, using any of the following methods:

Email your comments to scollier@fbgtx.org; or

Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

The Zoning Board of Adjustment Commission (ZBA) welcomes public comments concerning items on this agenda. Each member of the public who desires to address the ZBA regarding an item on this agenda is required to sign up to speak, prior to the start of the meeting. All public comments shall be limited to discussion of items on this agenda and shall be limited to 3-minutes in duration. At the discretion of the ZBA Chair, or upon an affirmative vote of the ZBA, the public comment time limit applicable to all speakers may be lengthened or shortened as required to allow the ZBA to complete its legislative agenda. Persons addressing the ZBA are prohibited from trading time with other speakers or reserving of time.

5. PUBLIC HEARING

- A. Consider ZBA2020-05 – Request by Glenn & Conya Wiseman For a Variance to Section 7.825 Subsection C of the Zoning Ordinance pertaining to Off Street Parking for Property located at 319B E. Main Street. Applicant requests a Variance to use existing Off-Street Parking as Outdoor Dining.

6. ACTION ITEMS

- A. Receive recommendation and consider (ZBA2020-05)

7. ADJOURN

This is to certify that I, Shelby Collier, posted this Agenda before 5:00 PM. on November 6, 2020 on the entrance door and bulletin board at the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelby Collier,
Development Coordinator

BOARD OF ADJUSTMENT
August 13, 2020
5:30 P.M.

PRESENT

MARCUS VIDRINE
CYNTHIA SCROGGINS
DONNIE FINN
TRAVIS NEAL

ALSO, PRESENT:

BRIAN JORDAN – Director of Development
DANIEL JONES – City Attorney
SHELBY COLLIER - Development Coordinator

MINUTES

PUBLIC HEARING

Marcus Vidrine made a motion to close the public hearing. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated that this request is the result of an intent to subdivide the property and retain the two historic structures on the same lot. In doing so, a variance is necessary to meet the R-1 Zoning regulations. In this case, reasonable use is limited by the location of the accessory structure and the intent to keep both historic structures on the same property.

The circumstances in this case were not created by the applicant. They are simply trying to take advantage of subdividing a large city lot while maintaining the historic structures on the same property. This could be accomplished by keeping the property all as one lot as well. It is very likely that when the 2000 addition was made to the building, the issue of an additional lot being created was not considered. Staff recommends approval.

Motion made to approve Application ZBA2020-03 by Cynthia Scroggins. Seconded by Donnie Finn. Travis Neal and Marcus Vidrine voted in opposition. The motion died.

The board was unable to reach an approved motion and were advised by the City Attorney Daniel Jones that in the event the Board obtained a split decision, the Application would be denied automatically.

ADJOURN

With nothing further to come before the Board, Travis Neal moved to adjourn the meeting and Cynthia Scroggins seconded the motion. All voted in favor and the meeting was adjourned at 6:00 P.M.

PASSED AND APPROVED this the 15th day of OCTOBER 2020

SHELBY COLLIER, DEVELOPMENT COORDINATOR

DONNIE FINN, CHAIR

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

BOARD OF ADJUSTMENT
OCTOBER 15, 2020
5:30 P.M.

On this the 15th day of OCTOBER 2020, the BOARD OF ADJUSTMENT convened in regular session at the regular meeting place thereof with the following members present to constitute a quorum

PRESENT

MARCUS VIDRINE
CYNTHIA SCROGGINS
DEVIN MULLEN
JIM MCAFEE

ABSENT:

ASHELY HUNTER
DONNIE FINN
TRAVIS NEAL

ALSO, PRESENT:

BRIAN JORDAN – Director of Development
DANIEL JONES – City Attorney
ANNA HUDSON – Historic Preservation Officer
SHELBY COLLIER - Development Coordinator

The meeting was called to order at 5:30 P.M. by Jim McAfee.

MINUTES

No minutes were approved due to an incorrect advertising. At the next meeting, the September 2020 Minutes will need to be approved.

PUBLIC HEARING

Consider ZBA2020-04 – Request by Gary and Jenny Neffendorf for a Variance to Section 3.101 of the Zoning Ordinance pertaining to a Front Setback of an R1-A Zoned property located at 204 Winston. Applicant requests a 5-foot setback instead of a 15-foot setback to construct a fence.

Marcus Vidrine made a motion to open the public hearing. Cynthia Scroggins seconded the motion. All voted in favor and the motion carried.

The applicant, Gary Neffendorf, presented the application. He stated it was his desire to build a privacy fence.

Jim McAfee made a motion to close the public hearing. Marcus Vidrine seconded the motion. All voted in favor and the motion carried.

Brian Jordan, Director of Development, stated that the fact that the street cul-de-sac street is offset to the applicant's side of the street, this creates a unique lot configuration that is difficult or unusable for building purposes. Staff does not believe issuance of this variance would alter the character of adjacent properties and it is with this in mind, that Staff recommends approval.

Motion made to approve Application ZBA2020-04 by Marcus Vidrine. Seconded by Jim McAfee. All voted in favor and the motion carried.

ADJOURN

With nothing further to come before the Board, Jim McAfee moved to adjourn the meeting and Marcus Vidrine seconded the motion. All voted in favor and the meeting was adjourned at 5:45 P.M.

PASSED AND APPROVED this the 12th day of NOVEMBER 2020

SHELBY COLLIER, DEVELOPMENT COORDINATOR

DONNIE FINN, CHAIR

VARIANCE BRIEF
Request # 2020-05

APPLICANT: Glenn and Conya Wiseman

ZONING: CBD – Central Business District – Historic Overlay

LOCATION: 319B E. Main Street

REQUEST: Variance to Section 7.825 of the Zoning Ordinance, pertaining to required off-street parking requirements.

FINDINGS:

- The property contains a building fronting on Main Street and a building added in 2014 to the rear of the property.
- The front building is currently occupied by Wild Hare Bistro and the rear building is currently vacant and was formerly Jennies Burgers.
- The applicant wishes to convert the driveway and existing parking area to outdoor dining and seating.
- The lot is approximately 0.2663 acres (11,600 sf) in size (see survey).
- The driveway and parking area were built when the building in the rear (formerly Jennies Burger's) of the site was added in 2014.
- Section 7.825 of the Zoning Ordinance requires off-street parking spaces for new construction. Existing buildings are exempt from off-street parking requirements.
- The lot is surrounded by commercial buildings along Main Street and a mix of residences and businesses on San Antonio Street.

The Board of adjustment may grant a variance if it makes affirmative findings of fact on **each** of the criteria described below:

- a. The Zoning Regulations applicable to the property do not allow for reasonable use. **The property is being utilized for the use intended by the CBD Zoning District. The driveway and parking area were constructed as a requirement of the Zoning ordinance when the building in the rear was added in 2014. Had the building not been added, all the area in question could have been used for outdoor dining and seating.**
- b. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the

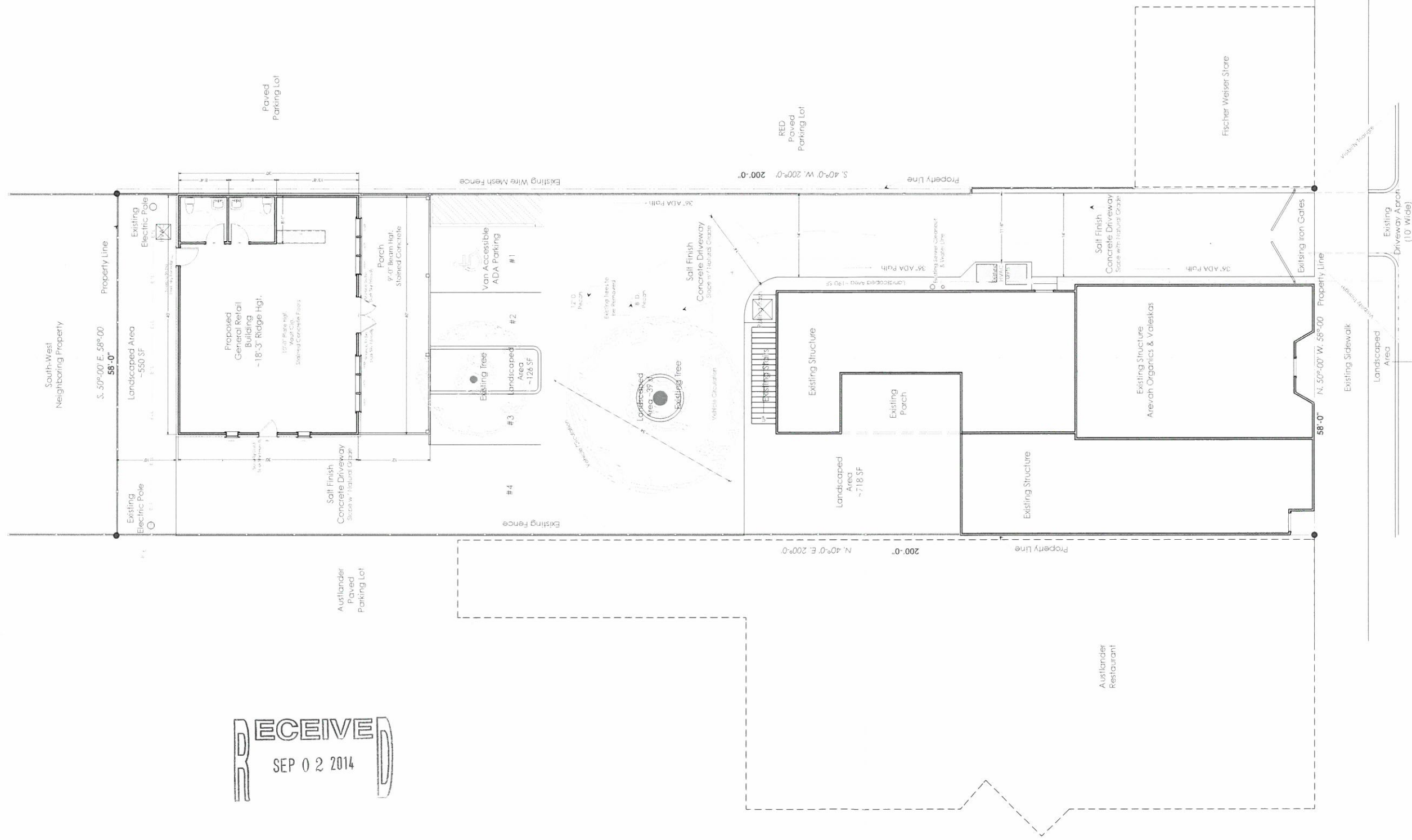
zoning district in which the property is located. **The circumstances in this case were not created by the applicant, but by a previous owner of the property when the rear building was added. We would agree with the applicant that the driveway and off-street parking layout and configuration, along with the narrow driveway, does create an undesirable situation for individuals who might wish to access the parking. In addition, crossing the public sidewalk can be unsafe during busy times.**

- c. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purposes or regulations to the zoning district in which the property is located. **We do not expect this variance to alter the character of adjacent properties. As the applicant has noted in their application, utilizing the area for outdoor dining and seating would likely be more desirable than for vehicular access and parking.**

OPPOSITION/SUPPORT OF REQUEST: No letters received.

STAFF RECOMMENDATION: When the applicant's first approached the City about converting this driveway and parking area to outdoor dining and seating, staff met with them on-site to evaluate possible alternatives. Since we were under restrictions due to the Covid-19 Pandemic, staff mentioned that it might be possible to allow the area to be utilized for outdoor dining on a temporary basis. In other words, since the occupancy was limited, the need for parking would be reduced as well. The applicant was not interested in a temporary solution. Staff does not support a permanent elimination of the required parking, and a conversion of this area to outdoor dining. It was the previous owner's desire to add the building and create the need for parking, and the current owners should have been aware of this situation. We recommend denial of the request.

RECEIVED
SEP 02 2014



Plat showing a survey of 11,600 Square Feet of land, being a part of townlots 225 and 226, German Emigration Company, situated in the City of Fredericksburg, Gillespie County, Texas.
(FBG ADD BLK 52 LOT 225-PT & 226-PT)

Proposed Use: General Retail Store
Zoned Central Business District:
Minimum Lot Size: 5,000 SF (Lot is 11,600 SF)
Maximum Building Height: 38'-0" (Actual ~18'-3" Ridge Hgt.)
Setbacks: 0' All Sides
Impervious Coverage: 9,807 sf of 11,600 sf (85%) (CBD: 90% Max)
New Building Coverage: 1,718 SF
Parking: General Retail 3 Spaces Required (1:400 SF) (1 of which is Van ADA)
4 Spaces Provided (1 is Van ADA)
Fire Lane: No specific fire lane described - verify driveway width and access w/ Fire Marshal. Fire Hydrant located directly across Main Street.

ADMINISTRATIVE
APPROVAL

DATE: 10-6-2014
* add Fire Dept. Connection Dry Line

Gus & Jackie Rios 319 E Main St. Fredericksburg, Texas		Shayna Thompson 830.998.1673	
Site Plan For Review		Scale 1/8" = 1'-0"	1
		Date 9-1-14	



VARIANCE APPLICATION TO BOARD OF ADJUSTMENT

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

-
1. Applicant: FMSP South LLC
 2. Owner: Glenn & Conya Wiseman
 3. Phone: 832-435-7842 Email: gwise1958@gmail.com
 4. Description of property involved in this request.
Address: 319 B East Main St
Legal Description: FBG ADDN BLK 52 LOT 225-PT & 226-PT
Lot Size: .2663 Acre Zoning District: CBD
 5. Request is made to the Board of Adjustment that a variance be granted to the following provisions of the Zoning Ordinance.
Section: 7.825 Subsection: C
Item: 3 Relating To: Off-Street Parking
Requiring: New or expanded buildings to provided off-street parking.

 6. INFORMATION TO BE SUBMITTED BY THE APPLICANT:
 - A. Site plans, preliminary building elevations, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the Variance application:
 - i. Existing and proposed location and arrangement of uses on the site, and on abutting sides within 50-feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.

- iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvements related to or necessitated by the proposed use.

The Board of Adjustment may grant a variance if it makes affirmative findings of FACT on EACH of the criteria. The applicant shall give a reason why the request complies with the following criteria:

1. The Zoning Regulations applicable to the property do not allow for a reasonable use.

A reasonable use for this property is a restaurant with outdoor dining or seating.

2. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the zoning district in which the property is located.

The existing off-street parking access, layout and basic geometry provide a logistical / safety issue that most patrons are not willing to risk. Due to the aforementioned the on-site parking is unused and if used, unsafe to property and public.

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purposes or regulations to the Zoning District in which the property is located.

This requested variance would enhance the character of the area by eliminating automobile traffic crossing the sidewalk in the area. Outdoor dining or gathering would be far more attractive than a drivable alley and a few awkward parking spots

- B. **PARKING: ADDITIONAL CRITERIA**-The Board may grant a Variance to a regulation prescribed by this ordinance with respect to the number of off-street spaces required if it makes findings of fact that the following additional criteria are also satisfied:

Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

No, the variance would improve traffic flow in the area due to no sidewalk crossing and reduce automobile congestion.

The granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets.

No, the current situation slows traffic as motorists try to navigate the narrow alley and pedestrians.

The granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of this ordinance.

The current parking access requires an automobile sidewalk crossing and the access alley is used by pedestrians and automobiles. The current situation is very unsafe and has caused property damage, fender benders and numerous pedestrian near misses.

The Variance shall run with the use or uses to which it pertains and shall not run with the site.

Yes only as dining, retail or outdoor gathering.

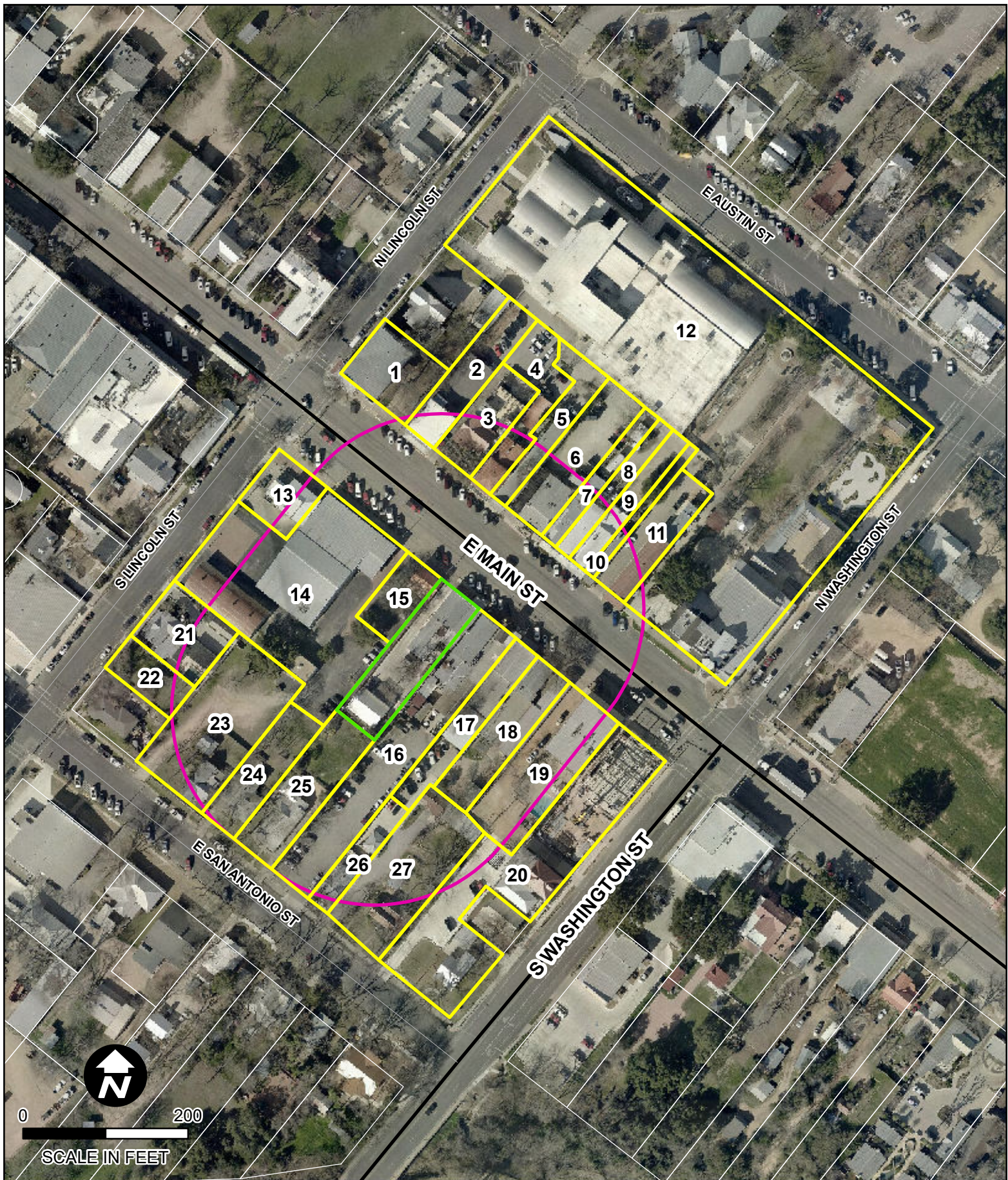


FIGURE 1
City of Fredericksburg
319 E. Main Street

LEGEND

- Subject Property
- 200 Foot Buffer
- Affected Property



Letter	Owner	Address
1	ENGEL, JANINE STROEHER ETAL	922 HAWTORN LN FREDERICKSBURG, TX 78624
2	SEED POD PROPERTIES, LLC	308 W CENTRE FREDERICKSBURG, TX 78624
3	LET'S KEEP ON TRUCKING LTD	310 E MAIN FREDERICKSBURG, TX 78624
4	FMSP NORTH LLC	357 YELLOW JACKET LN FREDERICKSBURG, TX 78624
5	WADE, KENNETH & MARIE	PO BOX 6177 MIRAMAR BCH, FL 32550
6	PFR INVESTMENTS LLC	1142 ECKERT RD WILLOW CITY, TX 78675
7	A C E FAMILY TRUST	904 KERR RD FREDERICKSBURG, TX 78624
8	A C E FAMILY TRUST	904 KERR RD FREDERICKSBURG, TX 78624
9	ECKERT, MARY E & MORIN, SAM ROLAND SR FAMILY TRUST	324 E MAIN FREDERICKSBURG, TX 78624
10	A C E FAMILY TRUST	904 KERR RD FREDERICKSBURG, TX 78624
11	NIMITZ, ADMIRAL FOUNDATION THE	340 E MAIN ST FREDERICKSBURG, TX 78624
12	TEXAS HISTORICAL COMMISSION	1511 COLORADO AUSTIN, TX 78711
13	MJTJ INVESTMENTS LP	815 W MAIN FREDERICKSBURG, TX 78624
14	MJTJ INVESTMENTS LP	815 W MAIN FREDERICKSBURG, TX 78624
15	MJTJ INVESTMENTS LP	815 W MAIN FREDERICKSBURG, TX 78624
16	JEFFERS, JEFFREY S D/B/A AUSLANDER INC	323 E MAIN ST FREDERICKSBURG, TX 78624
17	SMITHERS NWA FAMILY LIMITED PARTNERSHIP	21726 HARDY OAK SAN ANTONIO, TX 78258
18	FELLER, MIGNON KELLER ETAL	18605 N RANCH ROAD 1674 JUNCTION, TX 76849
19	HOWARD, BETTY	337 E MAIN FREDERICKSBURG, TX 78624
20	MARIPOSA VENTURES LLC	250 GRANDVIEW DR STE 400 FE MITCHELL, KY 41017
21	107 LINCOLN LLC	97 PIONEER LN FREDERICKSBURG, TX 78624
22	JONES, JAMES C & LAURIE D	2400 CAMPBELLTON HWY DOTHAN, AL 36301
23	MJTJ INVESTMENTS LP	815 W MAIN FREDERICKSBURG, TX 78624
24	MJTJ INVESTMENTS LP	815 W MAIN FREDERICKSBURG, TX 78624
25	HAGEMANN, GAIL ETAL	627 CANYON RIM DR DRIPPING SPRINGS, TX 78620
26	THREE-EIGHT PROPERTIES LLC	607 W TRAVIS ST FREDERICKSBURG, TX 78624
27	SCHAETTER, DWAYNE M	314 E SAN ANTONIO FREDERICKSBURG, TX 78624
319 E. Main Street		

COMMENT1NAME ADDR1 ADDR2 ADDR3 ADDR_CTY ADDR_ST ADDR_ZIP